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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,557	02/27/2002	Steve Schnetzler	2207/14007	5880

23838	7590	04/27/2005

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EXAMINER
BENGZON, GREG C

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="3">Office Action Summary</td><td>Application No.
10/083,557</td><td>Applicant(s)
SCHNETZLER, STEVE</td></tr>
<tr><td>Examiner
Greg Bengzon</td><td>Art Unit
2144</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2002*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

This application has been examined. Claims 1-21 are pending.

Priority

The effective date of the claims described in this application is February 27, 2002.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 02/27/2002 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Barrera et al. (US Patent 6748448), hereinafter referred to as Barrera .

O'Neil substantially discloses the features of the invention as described in the Claims shown below.

1. A method of accessing data from a plurality of servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending the request to a first server of the plurality of servers; receiving the data from the first server.(Column 8 Lines 1-35, Column 9 Lines 5-30)

2. The method of claim 1, further comprising: determining whether the request includes a server identifier. (Column 4 Lines 1-35)

3. The method of claim 1, wherein the request is a Uniform Resource Locator (URL). (Column 4 Lines 1-35)

4. The method of claim 1, wherein the data is a HyperText Markup Language (HTML) page. (Column 8 Lines 1-35)

5. The method of claim 4, wherein the HTML page comprises at least one Uniform Resource Locator (URL). (Column 8 Lines 1-35)

6. The method of claim 2, wherein the sending the request to the first server comprises a load balancing algorithm. (Column 3 Lines 55-65)

7. The method of claim 2, wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier. (Column 4 Lines 1-35)

8. A load balancer comprising: a processor; and memory; (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) wherein said processor is adapted to: receive a request for data from a client computer; (Column 7 Lines 55-65) send the request to a first server among a plurality of servers; receive the data from the first server. (Column 8 Lines 1-35, Column 9 Lines 5-30)

9. The load balancer of claim 8, said processor further adapted to: determine whether the request includes a server identifier. (Column 4 Lines 1-35)

10. The load balancer of claim 8, wherein the request is a Uniform Resource Locator (URL). (Column 4 Lines 1-35)

11. The load balancer of claim 8, wherein the data is a HyperText Markup Language (HTML) page. (Column 8 Lines 1-35)

12. The load balancer of claim 11, wherein the HTML page comprises at least one Uniform Resource Locator (URL). (Column 8 Lines 1-35)

13. The load balancer of claim 9, wherein the processor sends the request to the first server by executing a load balancing algorithm. (Column 3 Lines 55-65)

14. The load balancer of claim 9, wherein the processor sends the request to the first server by sending the request to a server identified by the server identifier. (Column 4 Lines 1-35)

15. A computer readable medium having instructions stored thereon that, when executed by a processor, cause the processor, (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) after receiving a request for data from a client computer, to: send the request to a first server among a plurality of servers; (Column 7 Lines 55-65) receive the data from the first server. (Column 8 Lines 1-35, Column 9 Lines 5-30)

16. The computer readable medium of claim 15, said instructions further cause said processor to: determine whether the request includes a server identifier. (Column 4 Lines 1-35)

17. The computer readable medium of claim 15, wherein the request is a Uniform

Resource Locator (URL). (Column 4 Lines 1-35)

18. The computer readable medium of claim 15, wherein the data is a HyperText

Markup Language (HTML) page. (Column 8 Lines 1-35)

19. The computer readable medium of claim 18, wherein the HTML page comprises at

least one Uniform Resource Locator (URL). (Column 8 Lines 1-35)

20. The computer readable medium of claim 16, wherein the sending the request to the

first server comprises a load balancing algorithm. (Column 3 Lines 55-65)

21. The computer readable medium of claim 16, wherein the sending the request to the

first server comprises sending the request to a server identified by the server identifier.

(Column 4 Lines 1-35)

However O'Neil does not disclose certain features of the invention, such as adding an identity of the first server to the data and forwarding the data to the client computer, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server.

Barrera discloses a system and method of increasing performance by reducing latency the client experiences between sending a request to the server and receiving a response. Barrera discloses of receiving a request for network content and modifying the URL, such that the URL request resource file physical I/O address is preferably embedded in the client computer browser page URL link, thereby establishing a correspondence between the browser page element and the resource file. (Column 4 Lines 10-50, Column 8 Lines 50-65, Column 9 Lines 1-10) Barrera also discloses of sending a host server name to a Domain Name System (DNS) server in order to look up the IP address of the indicated server. (Column 3 Lines 35-45)

O'Neil and Barrera are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Barrera regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system of O'Neil to 1) add an identity of the first server to the data and forward the data to the

client computer, and 2) add the identity of the first server by revising the at least one

URL to include a server identifier that corresponds to the first server. The suggested

motivation for doing so would have been, as Barrera suggests, to increase the

performance of computer networks without requiring modifications of existing browser

and enable by-passing some data storage access layers. (Column 4 Lines 1-5)

Thus it would have been obvious to combine the teachings of Barrera into the

system of O'Neil in order to obtain the invention as described in Claims 1-21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Greg Bengzon whose telephone number is (571) 272-

3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb

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